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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,942	03/15/2006	Olivier Buyse	3338.81US01	6147
24113 7590 12/24/2008 PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100				
EXAMINER				
WANG-HURST, KATHY W				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,942

**Applicant(s)**

BUYSE, OLIVIER

**Examiner**

KATHY WANG-HURST

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sant et al. (6,169,896) in view of Xanthos et al. (6,928,280).

Consider claims 1 and 5, Sant discloses a system for testing a mobile telephony network having a plurality of cells whose sizing depends on at least one selection or reselection parameter (see abstract, col. 1 lines 10-18, col. 3 lines 7-20, and col. 1 lines 20-50, where Sant discusses testing a cellular system with cells sized for handoff based on signal strength and load, therefore, selection and reselection). Sant discloses at least one mobile test telephone (12, figure 1, figure 4) an onboard computer connected to the at least one mobile test telephone (see col. 4 lines 3-33, where Sant discusses a mobile testing vehicle with computer and test phones). Sant discloses predefined values of selection and reselection parameters are stored in the computer (see col. 4 lines 23-33 and col. lines 30-57, where Sant discusses the software to perform testing on call setup and handoff). Sant discloses the mobile test telephone includes a presetting function

to receive the predefined value of the selection and reselection parameters (see col. 4 lines 3-33, where Sant discusses each phone set for different types of networks). Sant discloses, the mobile test telephone being shift able between a normal mode in which the mobile test telephone measures values of the selection or reselection parameters from the mobile telephony network, and a preset mode in which the mobile test telephone receives the predefined values of the selection and reselection parameters from the computer (see col. 5 lines 30-57, col. 6 lines 8-40, col. 5 lines 63-67, where Sant discusses the phones receive GPS data, and system handoff data from the network and call setup data, and handoff data from the computer to perform tests).

Sant does not specifically disclose receive values from the network. Xanthos teaches receives values from the network (see col. 19 lines 42-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sant, and receive values from the network, as taught by Xanthos, thereby providing more efficient testing by providing test tools useable with emerging technologies, as discussed by Xanthos (col. 3 lines 27-35).

Consider claim 2, Sant in view of Xanthos discloses on board GPS used and associated with the mobile testing (see Sant col. 4 lines 50-67 and Xanthos col. 11 lines 37-67).

Consider claims 3, 4, Sant discloses multiple network types, however does not specifically disclose GSM and GPRS. Xanthos teaches GSM and GPRS (see col. 12 lines 44-67, where Xanthos is discussing checking any type of system including GSM and associated systems).

Consider claim 6, Xanthos teaches overwriting (see col. 19, lines 42-57).

Consider claims 7-10, Sant discloses testing selection and reselection parameters as phones move through different types of systems based on cell strength with measurements made together via all telephones a and capturing the data (see col. 4 lines 4-33). Sant does not specifically disclose ranges of times sufficient to determine if the test calls are sufficient themselves and phones serially hitting peaks captured. . Xanthos teaches ranges of times sufficient to determine if the test calls are sufficient themselves and phones serially hitting peaks captured. (see col. 19 lines 33-56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sant, and have ranges of times sufficient to determine if the test calls are sufficient themselves and phones serially hitting peaks captured., as taught by Xanthos, thereby providing more efficient testing by providing test tools useable with emerging technologies, as discussed by Xanthos (col. 3 lines 27-35).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571) 270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 2617

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/KATHY WANG-HURST/  
Examiner, Art Unit 2617

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Supervisory Patent Examiner, Art Unit 2617